

STUDENTS WITH A DISABILITY DISCRIMINATION POLICY

GUIDING SCRIPTURE

¹ My brothers and sisters, believers in our glorious Lord Jesus Christ must not show favouritism. ² Suppose a man comes into your meeting wearing a gold ring and fine clothes, and a poor man in filthy old clothes also comes in. ³ If you show special attention to the man wearing fine clothes and say, "Here's a good seat for you," but say to the poor man, "You stand there" or "Sit on the floor by my feet," ⁴ have you not discriminated among yourselves and become judges with evil thoughts? (James 2: 1-4).

PURPOSE

The purpose of this policy is to meet the educational needs of students with a disability that complies with relevant anti-discrimination legislation and to protect those students or students who have an associate with a disability from unlawful discrimination, harassment and victimisation on the basis of that disability.

SCOPE

The St John's Lutheran School *Students with a Disability Discrimination Policy* applies to students and all staff, including full-time, part-time, contract, casual and temporary), School Council members, support service personnel (e.g., contractors) preservice teachers /TAFE students and volunteers.

DEFINITIONS

Disability, under the *Disability Discrimination Act 1992 (Cwlth)*, in relation to a person, means:

- (a) total or partial loss of the person's bodily or mental functions; or
- (b) total or partial loss of a part of the body; or
- (c) the presence in the body of organisms causing disease or illness; or
- (d) the presence in the body of organisms capable of causing disease or illness; or
- (e) the malfunction, malformation or disfigurement of a part of the person's body; or
- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;

and includes a disability that:

- (h) presently exists; or
- (i) previously existed but no longer exists; or
- (j) may exist in the future; or
- (k) is imputed to a person.

Associate, in relation to a person, includes:

- (a) a spouse of the person; and
- (b) another person who is living with the person on a genuine domestic basis; and
- (c) a relative of the person; and
- (d) a carer of the person; and
- (e) another person who is in a business, sporting or recreational relationship with the person.

Direct disability discrimination has the meaning as per [s5 Disability Discrimination Act 1992 \(Cwth\)](#)

Indirect disability discrimination has the meaning as per [s6 Disability Discrimination Act 1992 \(Cwth\)](#)

Reasonable adjustment An adjustment is a measure or action taken to assist a student with disability to participate in education on the same basis as other students. An adjustment is reasonable if it achieves this purpose while taking into account the student's learning needs and balancing the interests of all parties affected, including those of the student with disability, the education provider, staff and other students (definition from *Disability Standards for Education 2005 (Cwth)*).

Unjustifiable hardship: An education provider does not have to carry out an obligation under the *Disability Standards for Education 2005 (Cwth)* as outlined in section 10.2 if that obligation would cause unjustifiable hardship.

POLICY STATEMENT

St John's Lutheran School values the diversity of all students, recognises the right of all students to equitable access to the curriculum, and offers education programs specific to the educational needs of students with disabilities. All students at St John's have the right to learn in an environment free from unlawful discrimination, where all students have equal opportunities.

St John's Lutheran School will assist the full participation of students with disabilities to reach their potential by:

- Valuing all students as individuals and identifying and responding to their needs;
- Consulting with the student and parent to make well-informed decisions about the education program to be developed for each student with a disability/s;
- Identifying and addressing barriers that limit students' opportunities, participation and benefits from schooling;
- Providing an appropriate level of resources within available funds in order to reasonably accommodate the needs of students with disabilities;
- Making reasonable adjustments that do not cause unjustifiable hardships in modifying, substituting or supplementing curricula, course work requirements, timetables, teaching methods and materials, and assessment procedures to meet the needs of students with disabilities and ensure equality of access and participation;
- Facilitating options and pathways for students with disabilities;
- Providing physical environments that are accessible, stimulating, safe and welcoming;
- Implementing fair and transparent enrolment procedures for all students, including those with disabilities;
- Respecting the rights of people with disabilities to privacy and confidentiality;
- Fostering and encouraging among staff and students, positive, informed and unprejudiced attitudes towards people with disabilities; and
- Supporting and assisting students to make alternative satisfactory educational arrangements when the school is unable to meet their needs.

RESPONSIBILITIES

St John's Lutheran School Responsibilities:

Under the *Disability Standards for Education 2005*,

St John's Lutheran School will not unlawfully discriminate, harass or victimise a student on the ground of the student's disability or a disability of any associate of a student. The school acknowledges that its responsibilities are as follows:

- **Enrolment:** St John's Lutheran School will take reasonable steps to ensure that a student with a disability is able to seek admission to, or apply for enrolment in, the school on the same basis as a prospective student without a disability, and without experiencing discrimination.
- **Participation:** St John's Lutheran School must take reasonable steps to ensure that a student with a disability is able to participate in the courses or programs provided by the school, and use the facilities or services provided by it, on the same basis as a student without a disability, and without experiencing discrimination.
- **Curriculum development, accreditation and delivery:** St John's Lutheran School will take reasonable steps to ensure that the courses or programs are designed in such a way that a student with a disability is able to participate in the learning experiences (including the assessment and certification requirements) of the course or program on the same basis as a student without a disability, and without experiencing discrimination.
- **Support services:** St John's Lutheran School will take reasonable steps to ensure that a student with a disability is able to use support services used by other students of the school in general on the same basis as a student without a disability, and without experiencing discrimination.
- **Harassment and victimisation:** St John's Lutheran School will develop and implement strategies and programs to prevent harassment or victimisation of a student with a disability, or a student who has an associate with a disability, in relation to the disability.

Reasonable steps will depend upon the specific circumstances at the time but may include reasonable adjustments that do not impose an unjustifiable hardship.

When considering an adjustment for a student with a disability, any confidential information provided to St John's Lutheran School will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with the St John's Lutheran School *Protection of Personal Information Policy*.

Student and Employee Responsibilities:

All students and employees at St John's Lutheran School have a responsibility not to engage in discriminatory conduct, including harassment and victimisation, and to uphold the school policies on these issues.

If students, parents or employees believe that this type of behaviour is occurring in the school, they are able to make a complaint under the St John's Lutheran School *Complaints Handling Policy*.

PROCEDURES

1. Enrolment

Refer to the St John's Lutheran School *Enrolment Policy*.

2. Participation

Measures that St John's Lutheran School may implement to enable the student to participate in the course or program for which the student is enrolled and use the facilities and services provided by it on the same basis as a student without a disability, include measures ensuring that:

- (a) the course or program activities are sufficiently flexible for the student to be able to participate in them; and
- (b) course or program requirements are reviewed, in the light of information provided by the student, or an associate of the student, to include activities in which the student is able to participate; and
- (c) appropriate programs necessary to enable participation by the student are negotiated, agreed and implemented; and
- (d) additional support is provided to the student where necessary, to assist him or her to achieve intended learning outcomes; and
- (e) where a course or program necessarily includes an activity in which the student cannot participate, the student is offered an activity that constitutes a reasonable substitute within the context of the overall aims of the course or program; and
- (f) any activities that are not conducted in classrooms and associated extra-curricular activities or activities that are part of the broader educational program, are designed to include the student.

3. Curriculum Development, Accreditation and Delivery

Measures that St John's Lutheran School may implement to enable the student to participate in the learning experiences (including the assessment and certification requirements) of the course or program, and any relevant supplementary course or program, on the same basis as a student without a disability, include measures ensuring that:

- (a) the curriculum, teaching materials, and the assessment and certification requirements for the course or program are appropriate to the needs of the student and accessible to them; and
- (b) the course or program delivery modes and learning activities take account of intended educational outcomes and the learning capacities and needs of the student; and
- (c) the course or program study materials are made available in a format that is appropriate for the student and, where conversion of materials into alternative accessible formats is required, the student is not disadvantaged by the time taken for conversion; and
- (d) the teaching and delivery strategies for the course or program are adjusted to meet the learning needs of the student and address any disadvantage in the student's learning resulting from his or her disability, including through the provision of additional support, such as bridging or enabling courses, or the development of disability specific skills; and
- (e) any activities that are not conducted in a classroom, such as field trips, industry site visits and work placements, or activities that are part of the broader course or educational program of which the course or program is a part, are designed to include the student; and
- (f) the assessment procedures and methodologies for the course or program are adapted to enable the student to demonstrate the knowledge, skills or competencies being assessed.

4. Support Services

Measures that St John's Lutheran School may implement to ensure that the student is able to access support services used by students in general, on the same basis as a student without a disability, and to ensure his or her access to specialised support services, include measures ensuring that:

- (a) staff of the school are aware of the specialised services available for the student and are provided with information that enables them to assist the student to access the services that the student needs; and
- (b) the provision of specialised services for the student, where necessary, is facilitated, including through collaborative arrangements with specialised service providers; and
- (c) any necessary specialised equipment is provided to support the student in participating in the course or program; and
- (d) appropriately trained support staff, such as specialist teachers, interpreters, note-takers and teachers' aides, are made available to students with disabilities.

Refer to *1.06 Assistance Dog Policy* for further measures that the school may implement.

5. Harassment and Victimisation

Measures that St John's Lutheran School may implement to enable the student to participate in education and training in an environment free from harassment and victimisation include measures ensuring that:

- (a) the school's policies, procedures and codes of conduct for its staff and students explicitly prohibit harassment and victimisation of students with disabilities, on the basis of disability; and
- (b) the procedures for handling any cases or complaints of harassment and victimisation relating to disability are fair, transparent and accountable; and
- (c) the school's students and staff are effectively informed and reminded, at appropriate intervals, of their rights and responsibilities in maintaining an environment free from harassment and victimisation on the basis of disability; and
- (d) the professional development programs offered to the school's staff ensure that policies, procedures and codes of conduct, including matters of harassment and victimisation, are known and understood by staff, and that staff are trained to detect, and deal with, harassment in education and training settings; and
- (e) any cases or complaints of harassment or victimisation on the basis of disability are handled promptly and with due regard to the severity of the matter.

Refer to *4.05 Bullying, Harassment and Discrimination Policy, Code of Conduct Policy and Student Code of Conduct Statement* for further measures the school may implement.

6. Health Support Needs

Refer to the St John's Lutheran School *Managing Students Health Support Needs Policy*.

7. Accessibility

Access to the school facilities for students with a disability will be considered, particularly in light of discrimination legislative requirements. St John's Lutheran School will take reasonable steps to facilitate physical access to our premises for people with a disability. When considering what is reasonable, St John's will consider the needs of students with restriction of movement that prevents safe access to facilities.

This will include:

- (a) Wheelchair access to pathways, entrances, hallways, classroom areas and toilets;
- (b) Installing appropriate ramps and railings to assist people with a disability, ensuring they are slip-resistant under wet and dry conditions;
- (c) Access to disabled parking spaces within a reasonable distance of premises where possible;
- (d) Providing wheelchair accessible washroom/toilet facilities, except for those under exemption;
- (e) Providing accessible reception and public areas.

8. Educational Outcomes

St John's Lutheran School will support the educational outcomes of eligible students with a disability by:

- (a) ensuring teachers have the support and training they need to plan, implement, review and monitor educational adjustments that promote access to and participation in the life of the school and individual curriculum planning;
- (b) supporting teachers and school leaders to implement strategies that proactively engage all students in all aspects of schooling, including students who require specific strategies to support their participation
- (c) respecting and embracing parents and families as partners in their child/ren's education;
- (d) using technology and existing networks to share good practice;
- (e) considering the needs of students with disability in any reviews of school resourcing.